

ORIGINAL

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4/18/01
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRY R. POWELL,

Petitioner

v.

ROBERT SHANNON, et al.,

Respondents

CIVIL ACTION NO. 1:CV-00-2180

FILED
HARRISBURG

APR 17 2001
(Judge Rambo)
MARY E. D'ANDREA, CLERK
Per
DEPUTY CLERK

NOTICE OF ELECTION

I, TERRY R. POWELL, petitioner in the captioned action,

have read the Order of Court which accompanied this form notice. Pursuant to that order, I elect to proceed in this action as follows:

X

I have labeled my petition as a petition under 28 U.S.C. § 2254. I choose to have the court rule on my petition as filed. I understand that I may be forever barred from presenting in federal court any claim not presented in this petition. I further understand that by doing so I lose my ability to file a second or a successive petition absent certification by the Court of Appeals, and that the potential for relief is further limited in a second or successive petition.

 I have labeled my petition as a petition for writ of habeas corpus under 28 U.S.C. § 2254. I choose to withdraw my petition so that I may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year limit for filing such a petition.

YOUR ELECTION ON THIS FORM, AS WELL AS THE FAILURE TO MAKE AN ELECTION, WILL BE BINDING ON YOU WITH REGARD TO YOUR LITIGATION IN FEDERAL COURT OF ANY CLAIM RELATED TO THE CUSTODY YOU HAVE CHALLENGED. READ CAREFULLY THE ORDER ACCOMPANYING THIS NOTICE OF ELECTION FORM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 16, 2001
(Date)


(Signature of Petitioner)

TERRY R. POWELL
CT-9673
SCI MAHANOY
301 MOREA ROAD
FRACKVILLE, PA. 17932

April 16, 2001

MARY E. D'ANDREA, CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
228 WALNUT STREET
P.O. BOX 983
HARRISBURG, PA. 17108

Re: 1:CV-00-2180 Powell v. Shannon
Judge: Sylvia Rambo

Dear Ms. D'Andrea:

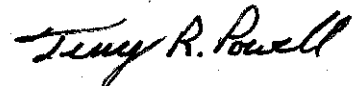
Enclosed for filing, please find one (1) Notice of Election, completed in accordance to this Honorable Court's Order of April 2, 2001, pursuant to the above referenced case.

Accordingly, please file this matter with the court at your earliest convenience.

The Court should also be advised that this petitioner filed two (2) individual Petitions for Writ of Habeas Corpus, which this Honorable Court has filed under one (1) docket number.

Please allow me this opportunity in advance to thank you for your time and consideration. In the interim, I remain;

Very truly yours,



Terry R. Powell

TRP

Enclosure: 1 Notice of Election

CC: File